



Reprinted
February 18, 2009

SENATE BILL No. 400

DIGEST OF SB 400 (Updated February 17, 2009 3:19 pm - DI 102)

Citations Affected: IC 3-10; IC 3-11.

Synopsis: Explanation of proposed constitutional amendments. Requires the legislative services agency to prepare, and the legislative council to approve, a neutral summary of any proposed state constitutional amendment, distribute a copy of the summary to various entities, and post the summary on the general assembly's Internet web site not later than 60 days before the election at which the proposed amendment is submitted to the voters. Provides that the summary submitted by the legislative services agency shall be distributed, if the legislative council does not approve a summary in a timely manner. Requires a copy of the summary to be posted at each polling place. Subject to the legislative council's approval, provides that the legislative services agency has absolute discretion to determine the contents of the summary, and prohibits the bringing of an action based on the exercise of this discretion.

Effective: July 1, 2009.

Dillon, Charbonneau, Lanane

January 12, 2009, read first time and referred to Committee on Elections.
February 9, 2009, reported favorably — Do Pass.
February 17, 2009, read second time, amended, ordered engrossed.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 400

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-10-3-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 11. (a) The legislative services agency shall prepare**
4 **a summary of a proposed constitutional amendment submitted to**
5 **the electorate of the state under this chapter.**
6 **(b) The summary prepared under subsection (a) must:**
7 **(1) contain not more than two hundred (200) words; and**
8 **(2) be stated in neutral language.**
9 **(c) The legislative services agency shall submit to the legislative**
10 **council created by IC 2-5-1.1-1 the proposed summary prepared**
11 **under subsection (a) for approval. The legislative council shall**
12 **meet in a timely manner to consider the proposed summary. If the**
13 **legislative council does not approve:**
14 **(1) the proposed summary submitted by the legislative**
15 **services agency; or**
16 **(2) any alternate language proposed by the legislative services**
17 **agency;**

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before the sixty-first day before the election at which the public question concerning the proposed state constitutional amendment is submitted to the electorate of the state under this chapter, the proposed summary initially submitted by the legislative services agency to the legislative council shall be the summary distributed and posted under subsections (d) and (e).

(d) Not later than sixty (60) days before the election at which the public question concerning the proposed state constitutional amendment is submitted to the electorate of the state under this chapter, the legislative services agency shall do the following:

(1) Distribute the summary prepared under subsection (a) to each of the following:

(A) The election division.

(B) Indiana news media.

(C) Indiana public libraries.

(2) Post a copy of the summary on the general assembly's Internet web site.

The legislative services agency may provide for more extensive publication of the summary than is required by this subsection.

(e) A copy of the summary prepared under this section shall be posted at each polling place during the election at which the public question concerning the proposed state constitutional amendment is submitted to the electorate of the state.

(f) Subject to the legislative council's approval, the legislative services agency has absolute discretion to determine the contents of a summary prepared under this section. A person may not bring an action in any court based on the exercise of this discretion.

SECTION 2. IC 3-11-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The election division shall provide a seal for the ballots. The seal may be of a design considered proper by the election division, but the same design may not be used for two (2) consecutive elections.

(b) The election division shall provide each county election board with a copy of the summary of each proposed state constitutional amendment to be submitted to the electorate of the state prepared under IC 3-10-3-11.

SECTION 3. IC 3-11-3-11, AS AMENDED BY P.L.230-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. The county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

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(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the summary of each proposed state constitutional amendment to be submitted to the electorate of the state for posting as required by IC 3-10-3-11.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 400, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 400 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 400 be amended to read as follows:

Page 1, line 3, delete "attorney general" and insert "**legislative services agency**".

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"(c) The legislative services agency shall submit to the legislative council created by IC 2-5-1.1-1 the proposed summary prepared under subsection (a) for approval. The legislative council shall meet in a timely manner to consider the proposed summary. If the legislative council does not approve:

(1) the proposed summary submitted by the legislative services agency; or

(2) any alternate language proposed by the legislative services agency;

before the sixty-first day before the election at which the public question concerning the proposed state constitutional amendment is submitted to the electorate of the state under this chapter, the proposed summary initially submitted by the legislative services agency to the legislative council shall be the summary distributed and posted under subsections (d) and (e)."

Page 1, line 9, delete "(c)" and insert "(d)".

Page 1, line 12, delete "attorney general" and insert "**legislative services agency**".

Page 1, delete lines 16 through 17.

Page 2, line 1, delete "(C)" and insert "**(B)**".

Page 2, line 2, delete "(D)" and insert "**(C)**".

Page 2, line 3, delete "attorney general's" and insert "**general assembly's**".

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Page 2, line 5, delete "attorney general" and insert "**legislative services agency**".

Page 2, line 7, delete "(d)" and insert "**(e)**".

Page 2, line 11, delete "(e) The attorney general" and insert "**(f) Subject to the legislative council's approval, the legislative services agency**".

(Reference is to SB 400 as printed February 10, 2009.)

YOUNG R MICHAEL

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